

EXPLANATORY MEMORANDUM TO
THE AQUATIC ANIMAL HEALTH (AMENDMENT) REGULATIONS
(NORTHERN IRELAND) 2023

SR 2023 No. 163

1. Introduction

- 1.1 This Explanatory Memorandum has been prepared by the Department of Agriculture, Environment and Rural Affairs (the Department) to accompany the Statutory Rule and is laid before the Northern Ireland Assembly.
- 1.2 The Statutory Rule is made under sections 11 and 22 of, and paragraph 11M(1), (3) and (8) of Part 1C of Schedule 2 and paragraph 21(b) of Schedule 7, to the European (Withdrawal) Act 2018.
- 1.3 The Statutory Rule is laid before the Assembly under the negative resolution procedure. It is due to come into operation on 30 October 2023.

2. Purpose

- 2.1 The purpose of the Statutory Rule is to ensure that Northern Ireland's secondary legislation relating to aquatic animal health is aligned with Regulation (EU) 2016/429 of the European Parliament and of the Council on transmissible animal diseases (Animal Health Law).

3. Background

- 3.1 The Animal Health Law (AHL) aims to provide a single, comprehensive legislative framework by streamlining legal acts that have been in place for a number of years. It is a key element of governance relating to the surveillance, detection and control of animal, aquatic and zoonotic diseases.
- 3.2 The AHL repeals and replaces a number of Directives and Regulations governing both terrestrial and aquatic animal health, including Council Directive 2006/88/EC on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals. Directive 2006/88/EC was transposed in Northern Ireland by The Aquatic Animal Health Regulations (Northern Ireland) 2009 ("the 2009 Regulations"). These Regulations cover areas such as authorisation and registration of aquaculture businesses, movements and health certification of aquaculture animals and measures to be taken in the event of a disease outbreak. They also provide enforcement powers, as well as offences and penalties for any person who breaches the Regulations.
- 3.3 The Department is required to fully implement the AHL in accordance with the Windsor Framework. While the AHL was directly applicable in Northern Ireland from 21 April 2021, changes to domestic legislation are required to support its implementation. It is recognised that further legislative changes will be required to support the full implementation of the AHL.

3.4 The Statutory Rule makes technical amendments to the 2009 Regulations to ensure operability and the restoration, as far as possible of enforcement powers. These powers, such as entering premises and conducting surveillance for aquatic diseases, are similar to those in place in other parts of the UK. The Statutory Rule achieves this by correcting outdated terms, references and legislation with replacement provisions of the AHL and removing definitions or provisions which are already contained in the AHL. Furthermore, the AHL recognises that there is a specialised profession called ‘aquatic animal health professional’ (AAHP), who are not veterinarians, but whose role and responsibilities are similar in relation to aquatic animals. The AHL makes provision for AAHPs to undertake activities assigned to veterinarians in the AHL in relation to aquatic animals, provided they are authorised to do so in national legislation. The Statutory Rule provides for this authorisation and will enable the Department to appoint AAHPs to regulate and enforce aquatic animal health, as appropriate.

4. Consultation

4.1 The European Commission has already consulted on the AHL and the tertiary legislation made under it. A public consultation exercise in relation to implementing the AHL in Northern Ireland would only be required if the Department was making its own policy changes to implement it. As the proposed Statutory Rule makes only minor technical and operational amendments to the 2009 Regulations, a consultation exercise is not required.

4.2 As the Statutory Rule makes technical changes to some offence-related provisions, the Department engaged with the Department of Justice (DoJ). Officials from the DoJ advised that they are content that the amendments do not have any impact on the offence and penalty provisions and that further approvals from the Justice Minister and the Executive are not required in relation to the proposed amendments.

5. Equality Impact

5.1 The Department is required, under section 75 of the Northern Ireland Act 1998, to screen the proposed changes to ascertain if an Equality Impact Assessment is required. A screening exercise was carried out on the Statutory Rule. No equality issues were identified.

6. Regulatory Impact

6.1 Given the technical nature of the Statutory Rule, no Regulatory Impact Assessment is required. There are no impacts on the private, voluntary or public sector as a result of the changes.

7. Rural Needs Impact

7.1 A Rural Needs Screening exercise was carried out on the Statutory Rule. As the Statutory Rule makes technical changes only, no impact was identified.

8. Financial Implications

8.1 Whilst there are no direct financial implications associated with the introduction of this Statutory Rule, there may be financial implications associated with

implementation. Under the AHL, key roles must be undertaken by either aquatic animal health professionals or veterinarians, which may incur additional costs.

9. Section 24 of the Northern Ireland Act 1998

9.1 The Statutory Rule does not have any human rights implications, nor is it incompatible with EU law. It, therefore, complies with the requirements of section 24 of the Northern Ireland Act 1998.

10. EU Implications

10.1 The Statutory Rule ensures compatibility with the AHL pending a comprehensive review to identify the further necessary legislative changes required to fully support its implementation.

11. Parity or Replicatory Measure

11.1 N/A.

12. Additional Information

12.1 N/A.

13. Contact

13.1 Donna Lyons at the Department of Agriculture, Environment and Rural Affairs can be contacted with any queries regarding the instrument: Telephone: 028 44618039; E-mail: Donna.Lyons@daera-ni.gov.uk.

13.2 Owen Lyttle at the Department of Agriculture, Environment and Rural Affairs can confirm that this Explanatory Memorandum meets the required standard.